

INDIAN TRIBES AUTHORIZED TO SUBMIT CLAIMS TO COURT OF CLAIMS

FEBRUARY 10, 1925.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

Mr. KNUTSON, from the Committee on Indian Affairs, submitted the following

REPORT

[To accompany H. R. 9160]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 9160) authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington to submit to the Court of Claims certain claims growing out of treaties and otherwise, having considered the same, report thereon with a recommendation that it do pass with the following amendments:

Page 2, line 2, after the word "States" insert "in no event to exceed \$1.25 per acre."

Page 3, line 3, after the word "by" strike out all down to and including the word "necessary" in line 9, and insert in lieu thereof the following:

petition, subject to amendment, to be filed in the Court of Claims by the attorney or attorneys employed by said Indians under contract approved as required by existing law; and such petition shall set forth all the facts upon which the claims for recovery are based and shall make the Indians parties plaintiff and the United States party defendant, and shall be verified by the attorney or attorneys upon information and belief as to the facts therein alleged, and no other verification shall be necessary.

Official papers, letters, documents, and public records, or certified copies thereof, may be used in evidence; the departments of the Government shall give the attorney or attorneys so employed access to all papers, documents, and correspondence or records that may be deemed in such suit or suits by such attorney or attorneys.

Page 3, lines 16 and 17, after the word "employed" insert "as herein provided."

Page 3, line 19, change the period to a comma and add "and the balance of such sum or sums shall be placed in the Treasury of the United States, where it shall draw interest at the rate of 4 per cent per annum."

It is the unanimous opinion of your committee that these Indians should have their day in court, and with the above amendments your committee recommend the adoption of this measure.

The report of the Department of the Interior on this bill is attached hereto and made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, May 21, 1924.

HON. HOMER P. SNYDER,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. SNYDER: Reference is made to your letter of May 12, 1924, inclosing for a report thereon a copy of H. R. 9160, proposing to confer jurisdiction upon the Court of Claims to adjudicate claims alleged by the Okanogan and Colville Tribes of Indians of the State of Washington.

This department is not aware of any claims that are being asserted by these Indians against the Government under any treaty, agreement, or act of Congress, but the Okanogan and Colville Tribes were recently allowed to employ an attorney under sections 2103-2105 of the Revised Statutes of the United States, as they felt that they had certain claims on account of a large area of land they once occupied lying along either side of the Columbia River and its tributaries in the State of Washington, from the summit of the Cascade Mountains east to the Kalspel Mountains.

The attorney has not as yet submitted a brief or formal statement of the claims. It is said that about the year 1853 Governor Stevens in a general way established a record of the outer boundaries of the lands of the Indians; and that at the time of what is known as the Walla Walla council and treaty in May and June of 1855 the question of tribal boundaries was considered and certain reservations established with different tribes and bands of Indians. Although individual members of the Okanogan and Colville Tribes were present, it is concluded that no treaty was made with them; but they were promised by Governor Stevens in 1855 that they would be treated with later, with a view to entering into formal treaties and establishing the permanent boundaries of their lands. However, it appears that no treaty was made with them with respect to the lands above referred to.

It may be that these Indians have equitable claims which are not based on any treaty, agreement, or act of Congress, but it has not been the practice to submit such claims to the Court of Claims for adjudication. In any event this department would not wish to express an opinion as to the merit of the alleged claims until the attorney employed by the Indians shall have submitted his brief and complete statement of the claims and their history.

In the meantime, should your committee decide to report the bill favorably it is suggested that it be amended as follows:

Strike out all of paragraph 1 and insert in lieu thereof the following:

"That all claims of whatsoever nature, both legal and equitable, which the Colville and Okanogan Tribes or Bands of Indians of the State of Washington may have against the United States growing out of any treaties, agreements, or acts of Congress relating to their affairs, shall be submitted to the Court of Claims with the right to appeal by either party to the Supreme Court of the United States for determination; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine all such claims and render judgment thereon."

On page 3, after the word "by" in line 3, strike out to and including the word "necessary", line 9 page 3, and insert in lieu thereof the following:

"petition, subject to amendment, to be filed in the Court of Claims by the attorney or attorneys employed by said Indians under contract approved as required by existing law; and such petition shall set forth all the facts upon which the claims for recovery are based and shall make the Indians parties plaintiff and the United States party defendant, and shall be verified by the attorney or attorneys upon information and belief as to the facts therein alleged and no other verification shall be necessary.

"Official papers, letters, documents, and public records, or certified copies thereof, may be used in evidence; the departments of the Government shall give the attorney or attorneys so employed access to all papers, documents, and correspondence or records that may be needed in such suit or suits by such attorney or attorneys."

After the word "employed," lines 16 and 17, page 3, insert "as herein provided."

At the end of line 19, page 3, change the period to a comma and add the following: "and the balance of such sum or sums shall be placed in the Treasury of the United States where it shall draw interest at the rate of 4 per cent per annum."

Very truly yours,

HUBERT WORK.